



**OCTOBER 16 - 20, 2000  
ST. PAUL, MINNESOTA**

**Roger L. Wollman, Chief Judge - Sioux Falls, SD**

**Circuit Judges in Active Service**

**Theodore McMillian - St. Louis, MO  
Richard S. Arnold - Little Rock, AR  
Pasco M. Bowman - Kansas City, MO  
C. Arlen Beam - Lincoln, NE  
James B. Loken - Minneapolis, MN**

**David R. Hansen - Cedar Rapids, IA  
Morris S. Arnold - Little Rock, AR  
Diana E. Murphy - Minneapolis, MN  
Kermit E. Bye - Fargo, ND**

**Circuit Judges Who Have Taken Senior Status**

**Floyd R. Gibson - Kansas City, MO  
Donald P. Lay - St. Paul, MN  
Gerald W. Heaney - Duluth, MN  
Myron H. Bright - Fargo, ND  
Donald R. Ross - Omaha, NE  
John R. Gibson - Kansas City, MO  
George G. Fagg - Des Moines, IA  
Frank J. Magill - Fargo, ND**

## NOTICE TO ALL COUNSEL

Please review the **entire** calendar carefully. You may have more than one case scheduled for argument.

The cases which are listed for argument will be heard in St. Paul, Minnesota, at the Federal Building, 316 North Robert Street. Please check the calendar carefully for the starting time for your day and division.

***Counsel who participate in oral argument should report to the Clerk's office, Room 500, 30 minutes before Court convenes.*** Counsel are advised that they may not waive or split oral argument without prior leave of court. Only one attorney is normally permitted to present an argument for a party. Appearance forms of counsel, if not previously submitted, must be completed and immediately forwarded to this office. Each attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

***The time allotted for each side's argument is noted beside each case. Counsel are advised to comply with the time limitations which are set by the Court.***

***Cases that are designated as NO ARG will be submitted to the Court on the briefs and record without oral argument. Counsel are not required to appear before the Court for cases designated NO ARG.***

Michael E. Gans  
Clerk of Court

**The following visiting judge is sitting with the Court in October:**

The Honorable James M. Rosenbaum  
U. S. District Judge  
Minneapolis, Minnesota

# **DIVISION I**

**MONDAY, OCTOBER 16, 2000, BEGINNING AT 9:00 A.M.**

**BEFORE JUDGES WOLLMAN, BEAM, M. ARNOLD**

**CYZ**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 99-4067NE | Nebraska Public Power District, etc. v.<br>MidAmerican Energy Company           | 30            |
|    | 00-1373MN | Richard E. Kulkey v. Mark VII<br>Distributors, Inc., etc.                       | <b>NO ARG</b> |
| 2. | 99-3455MN | Continental Casualty Company, et al. v.<br>Auto-Owners Insurance Company        |               |
|    | 99-3460MN | Continental Casualty Company, et al. v.<br>Interstate Fire and Casualty Company |               |
|    | 00-1267MN | Continental Casualty Company, et al. v.<br>Interstate Fire and Casualty Company |               |
|    | 00-1268MN | Continental Casualty Company, et al. v.<br>Auto-Owners Insurance Company        |               |
|    | 00-1347MN | Continental Casualty Company, et al. v.<br>Interstate Fire and Casualty Company | 20            |
|    | 99-2655MN | Michael D. Maziarka v. Mills Fleet<br>Farm, Inc.                                | <b>NO ARG</b> |
| 3. | 99-4236SD | United States v. Tracy Lee  | 10            |

**2:00 P.M. BEFORE JUDGES WOLLMAN, M. ARNOLD, MURPHY**

- |           |  |    |
|-----------|--|----|
| 99-4263NE | Central Interstate Low-Level Radioactive<br>Waste Compact Commission v. State of<br>Nebraska |    |
| 99-4265NE | Entergy, Arkansas, Inc., etc., et al. v. State<br>of Nebraska, et al.                        | 30 |

**3:30 P.M. BEFORE JUDGES MCMILLIAN, BOWMAN, MURPHY**

## **DIVISION I**

**TUESDAY, OCTOBER 17, 2000, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MCMILLIAN, BOWMAN, LOKEN  
JMB**

1.	00-1202MN	United States v. Donald Albin Blom, etc.	20
2.	00-1378MN	Patricia Allen v. Fidelity Financial Services, et al.	15
3.	00-1019MN	Steven Paul Garcia v. State of Minnesota	10
4.	99-2567SD	United States v. Wilbur Gabe, etc.	15
5.	99-4010NE	United States v. Robert E. Jacobsen	15
6.	00-1590NE	United States v. Jesse J. Smith	10

**\*\*\* AFTERNOON SESSION \*\*\***

**1:30 P.M. BEFORE JUDGES WOLLMAN, MCMILLIAN,  
ROSENBAUM**

95-3821NI	Rail Intermodal Specialists, Inc., etc. v. General Electric Capital Corporation, etc.	
95-3929NI	Rail Intermodal Specialists, etc. v. General Electric Capital Corporation, etc.	20

# **DIVISION I**

## **WEDNESDAY, OCTOBER 18, 2000 BEGINNING AT 9:00 A.M. BEFORE JUDGES WOLLMAN, LAY, BEAM**

**CYZ**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 99-3372MN | John E. Scott, Sr., et al. v. United Automobile,<br>Aerospace and Agricultural Implement<br>Workers of America, etc. |    |
|    | 99-3811MN | John E. Scott Sr., et al. v. United Automobile,<br>Aerospace and Agricultural Implement<br>Workers of America, etc.  | 30 |
| 2. | 00-1326SD | GLB Enterprises, Inc. v. United States   | 15 |
| 3. | 00-1615MN | United States v. Fausto Morales Santos   | 10 |
| 4. | 99-3122ND | United States, et al. v. Basin Electric Power<br>Cooperative   |    |
|    | 99-3216ND | United States, etc. v. Basin Electric Power<br>Cooperative   |    |
|    | 99-3450ND | United States v. Basin Electric Power<br>Cooperative   | 30 |
| 5. | 00-1294MN | Lynn M. Heaser v. The Toro Company, et al.   | 15 |

### **\*\*\* AFTERNOON SESSION \*\*\***

## **2:00 P.M. BEFORE JUDGES HANSEN, HEANEY, M. ARNOLD**

- |           |                                       |    |
|-----------|---------------------------------------|----|
| 00-1264SI | United States v. Keith Maynie, Jr.    |    |
| 00-1269SI | United States v. Dietrick Lavon Banks |    |
| 00-1271SI | United States v. Lenora Logan         | 20 |

# **DIVISION I**

## **THURSDAY, OCTOBER 19, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES WOLLMAN, BEAM, M. ARNOLD**

**CYZ**

- |    |           |  |                   |
|----|-----------|--|-------------------|
| 1. | 00-1065SD | Randy Lee Closs v. Douglas Weber, etc.                                 | 20                |
| 2. | 00-1255SD | Lois M. Gregoire, etc., et al. v. Douglas Weber,<br>etc., et al.       | 15                |
| 3. | 99-2822MN | Casino Resource Corporation v. Harrah's<br>Entertainment, etc., et al. | 15                |
|    | 00-1248MN | Rose M. Rankin v. Seagate Technologies, Inc.                           | <b>NO<br/>ARG</b> |
|    | 00-1531NE | United States v. Reynaldo F. Alvarez                                   | <b>NO ARG</b>     |

## **FRIDAY, OCTOBER 20, 2000, BEGINNING AT 8:30 A.M. BEFORE JUDGES WOLLMAN, BEAM, M. ARNOLD**

**CYZ**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 99-4144ND | James A. Burr v. Leo Snider, etc.   | 20            |
| 2. | 00-1005   | Beverly Enterprises-Minnesota, Inc., etc.,<br>v. National Labor Relations Board, et al. |               |
|    | 00-1006   | Beverly Enterprises-Minnesota, Inc. etc.<br>v. National Labor Relations Board, et al.   | 15            |
|    | 99-3329ND | Marilyn Anderson v. North Dakota State<br>Hospital                                      |               |
|    | 99-3505ND | Marilyn Anderson v. North Dakota State<br>Hospital                                      | <b>NO ARG</b> |
|    | 99-3203MN | Larry Land v. Washington County   | <b>NO ARG</b> |
|    | 00-1728MN | United States v. Gilberto Salaiza Zuazo   | <b>NO ARG</b> |

## **DIVISION II**

### **MONDAY, OCTOBER 16, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES MCMILLIAN, HEANEY, BOWMAN**

**JAB**

- |    |           |  |    |
|----|-----------|--|----|
| 1. | 00-1089MN | Gail L. Cronquist v. City of Minneapolis                     | 20 |
| 2. | 99-3876   | Michael McNamara, et al. v. Commissioner of Internal Revenue |    |
|    | 99-3891   | Vincent E. Bot, et al. v. Commissioner of Internal Revenue   |    |
|    | 99-3968   | John P. Hennen, et al. v. Commissioner of Internal Revenue   | 20 |
| 3. | 99-4305SD | Debra St. John v. United States, etc.                        | 15 |
| 4. | 00-1270MN | Eric M. Picht v. Jon R. Hawks, Ltd.                          | 15 |
| 5. | 99-2349NE | United States v. Donald A. Hellbusch                         | 10 |

### **TUESDAY, OCTOBER 17, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES BEAM, HEANEY, M. ARNOLD**

**JAB**

- |    |           |   |               |
|----|-----------|---|---------------|
| 1. | 99-3018SD | United States v. Devon Julian Bradford, etc.  |               |
|    | 99-3019SD | United States v. Dana E. Boswell, etc.        |               |
|    | 99-3020SD | United States v. Howard L. Harrison, etc.     |               |
|    | 99-3975SD | United States v. Joseph D. Andrews, etc.      | 20            |
| 2. | 00-1323ND | United States v. Randal A. Hanson, etc.       | 15            |
| 3. | 00-2044NE | United States v. Carmen Zamoran-Coronel, etc. | 10            |
| 4. | 99-3109NE | United States v. Stanley Johnson              | 15            |
| 5. | 00-1657MN | United States v. Andrew Niccademous Tyler     | 15            |
|    | 00-1052MN | United States v. Sylvan Anthony Pinque        | <b>NO ARG</b> |

# **DIVISION II**

## **\*\*\* AFTERNOON SESSION \*\*\***

**TUESDAY, OCTOBER 17, 2000 BEGINNING AT 2:00 P.M.  
BEFORE JUDGES BEAM, M. ARNOLD, MURPHY**

		<b>JAB</b>
96-1892WM	Joseph Amrine v. Michael Bowersox, etc.	30

**WEDNESDAY, OCTOBER 18, 2000, BEGINNING AT 9:00 A.M.  
BEFORE JUDGES MCMILLIAN, BOWMAN, LOKEN**

		<b>JAB</b>
1.	00-1024WM Janice Gordon v. City of Kansas City, MO, et al.	20
2.	00-1650MN United States v. Charles Lamont Lemon	15
3.	99-3962NE Jon B. Roeder v. Metropolitan Insurance and Annuity Company	15
4.	00-1226ND Nishyar Abdullaciz Farok, et al. v. Janet Reno, etc., et al.	20
5.	00-1240MN Thomas J. Lyons & Associates v. First Lenders Insurance Services, Inc., etc.	10



## **DIVISION II**

### **THURSDAY, OCTOBER 19, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES MCMILLIAN, BOWMAN, LOKEN**

**JMB**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 99-4277MN | Doreen A. Genosky v. State of Minnesota,<br>et al.  | 20 |
| 2. | 00-1319SD | Patricia A. Daggitt v. United Food and<br>Commercial Workers International<br>Union, etc. | 15 |
| 3. | 99-3272MN | Jermaine Dana Saunders, etc. v.<br>United States  | 15 |
| 4. | 00-1209ND | Altru Health System, et al. v. American<br>Protection Insurance Company, etc.             | 15 |
| 5. | 00-2028SD | United States v. Mark White   | 10 |

### **FRIDAY, OCTOBER 20, 2000, BEGINNING AT 8:30 A.M. BEFORE JUDGES MCMILLIAN, BOWMAN, LOKEN**

**JAB**

- |    |                                     |   |                          |
|----|-------------------------------------|---|--------------------------|
| 1. | 00-1710NE                           | Home Insurance Company v. Aetna Insurance<br>Company  | 20                       |
| 2. | 99-2999MN                           | Roger Potthoff, etc., et al. v. William Morin,<br>etc., et al.  | 15                       |
| 3. | 99-2749MN                           | Dale O. Kightlinger v. Mille Lacs Health<br>System, et al.  | 15                       |
| 4. | 99-4061MN                           | U-Haul Company of Texas, et al. v. Tony<br>Sibet, et al.  | 15                       |
| 5. | 99-3182MN<br>99-3330MN<br>00-1596MN | United States v. Michael Joseph Scott, etc.<br>United States v. Terry Louis, etc.<br>United States v. William Gaynor, Pearson,<br>Jr., etc. | <b>REMOVED</b><br><br>10 |

## **DIVISION III**

### **MONDAY, OCTOBER 16, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES HANSEN, MURPHY, BYE**

			<b>SRD</b>
1.	99-4198NE	Charles L. Robinson v. Valmont Industries	15
2.	00-1210MN	Thomas Loudon v. City of Minneapolis, etc., et al.	15
3.	00-1253NE	Roger L. Burry v. Eustis Plumbing & Heating, Inc., etc., et al.	15
4.	00-1087MN	Anderson Marketing, Inc., etc. v. Maple Chase Company, etc.	10
5.	00-1595NE	United States v. Kerry Poulack	15

### **TUESDAY, OCTOBER 17, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES HANSEN, MURPHY, BYE**

			<b>SRD</b>
1.	99-3369MN	Louis Boykin v. United States	10
2.	00-1522NE	United States v. Atanacio Gonzalez-Rodriguez	15
3.	00-1715NE	United States v. Richard L. Campbell	15
4.	00-1231MN	United States v. Jamie Lamont Hawthorne	15
5.	00-1539ND	United States v. David Daniel Alaniz, etc.	10

## **DIVISION III**

### **WEDNESDAY, OCTOBER 18, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES MURPHY, HEANEY, BYE**

			<b>SRD</b>
1.	99-3558ND	Abbas Shariff Abdullahi, et al. v. Janet Reno, etc., et al.	20
2.	99-3434ND	Initiative & Referendum Institute, et al. v. Alvin Jaeger, etc.	15
3.	00-1188MN	Carol Jean Brooks v. Howmedica, Inc., etc., et al.	20
4.	99-4308MN	Jaye B. Clearwater v. Independent School District Number 166, etc., et al.	15
5.	99-4246MN	Ann Farr v. County of Wright	10

### **THURSDAY, OCTOBER 19, 2000, BEGINNING AT 9:00 A.M. BEFORE JUDGES HANSEN, MURPHY, BYE**

			<b>SRD</b>
1.	99-3593NE	Oriental Trading Co., Inc., etc. v. Sam G. Firetti, et al.	20
2.	99-3549NE	United States v. Gary Apker	15
3.	99-3396MN	Michael Sherman v. Marvin T. Runyon, Jr., etc.	15
4.	00-1206SD	Daniel Athey v. Farmers Insurance Exchange, et al.	20
5.	00-1130NE	United States v. John Dewey Lim, etc.	10

## **DIVISION III**

**FRIDAY, OCTOBER 20, 2000, BEGINNING AT 8:30 A.M.  
BEFORE JUDGES HANSEN, MURPHY, BYE**

**SRD**

- |    |           |   |    |
|----|-----------|---|----|
| 1. | 99-3509MN | Rick Lee Grove v. Federal Bureau of Prisons,<br>et al.  | 15 |
| 2. | 00-1501MN | Eugene E. Stoll v. C. P. Rail System, etc.  | 15 |
| 3. | 00-1601MN | United States v. Richard D. Donohoo   | 10 |
| 4. | 00-1389SD | In re: Cedar Shore Resort, Inc., Debtor<br>Cedar Shore Resort, Inc. v. Paul A. Mueller,<br>et al. | 15 |
| 5. | 00-1325SD | United States v. Martin Uphoff  | 10 |